

IN THE DISTRICT COURT OF MUSKOGEE COUNTY, OKLAHOMA
STATE OF OKLAHOMA DISTRICT COURT CLERK

MHEC, LLC d/b/a MIDGLEY-HUBER)
ENERGY CONCEPTS,)

Plaintiff,)

vs.)

BACONE COLLEGE,)

Defendant.)

APR 13 2023

MUSKOGEE COUNTY, OK

Case No. CJ-2021-229

Honorable Judge King

**ORDER GRANTING PLAINTIFF'S MOTION FOR
ATTORNEY'S FEES, COSTS, AND INTEREST**

NOW on this 13th day of April, 2023, the Court finds that Plaintiff, MHEC, LLC d/b/a Midgley-Huber Energy Concept's ("MHEC"), Motion for Attorneys' Fees, Costs, and Interest, filed February 22, 2023 (the "Motion"), should be granted in its entirety.

In the Motion, MHEC first requested an award of attorneys' fees in the amount of \$71,760.25. The Court finds this sum of attorney's fees requested to be fair and reasonable and supported by the language of the parties' contract, to-wit: § 11 thereof.

In the Motion, MHEC also requested an award of costs in the amount of \$2,931.88. The Court finds that the requested costs are associated with the prosecution of the above-styled case and are, therefore, properly compensable to MHEC under the parties' contract, to-wit: § 11 thereof.

In the Motion, MHEC further moved the Court for an award of \$282,294.58 in prejudgment interest accrued through January 23, 2022, as well as post-judgment interest at the same rate of 1½% per month after January 23, 2023. The Court finds that the rate (1½% per month) of prejudgment interest was agreed to by the parties as reflected in Exhibit 5 of MHEC's Motion and that the award of the sum of \$282,294.58 in prejudgment interest accrued through January 23, 2023, to MHEC is proper. The Court further finds that the 1½% rate of post-judgment interest, as agreed to by the parties in Exhibit 5 of MHEC's Motion, is likewise proper and due MHEC.

IT IS THEREFORE ORDERED, ADJUDGED, and DECREED that Plaintiff MHEC, LLC d/b/a Midgley-Huber Energy Concept's, Motion for Attorneys' Fees, Costs, and Interest is hereby granted in its entirety.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that MHEC, LLC d/b/a Midgley-Huber Energy Concept, is hereby granted judgment in its favor against Defendant, Bacone College, in the amount of \$71,760.25 in attorneys' fees, \$2,931.88 in costs, and \$282,294.58 in prejudgment interest incurred through January 23, 2022, for a total of \$356,986.71, plus post-judgment interest at the rate of 1½% per month after January 23, 2023, for all of which let execution issue.

DATED this 13th day of April, 2023.



THE HON. TIMOTHY KING
DISTRICT COURT JUDGE

Agreed as to Form:

/s/ John E. Harper, Jr.

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